

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:09-CR-75-D-1
No. 4:14-CR-100-D
No. 4:15-CR-129-D
No. 4:16-CV-131-D

JEFFREY LEE MCCOTTER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

On January 26, 2015, this court dismissed Jeffrey Lee McCotter's ("McCotter") first motion under 28 U.S.C. § 2255 [D.E. 219]. In that motion, McCotter made various arguments attacking his sentence. See id. On July 27, 2015, the United States Court of Appeals for the Fourth Circuit declined to issue a certificate of appealability and dismissed McCotter's appeal. See United States v. McCotter, 610 F. App'x 301 (4th Cir. 2015) (per curiam) (unpublished).

On August 6, 2015, McCotter filed a second motion under 28 U.S.C. § 2255 and raised a new argument attacking his sentence. See [D.E. 229]. McCotter, however, failed to obtain authorization from the United States Court of Appeals for the Fourth Circuit. Thus, this court dismissed McCotter's second section 2255 motion as successive and denied a certificate of appealability [D.E. 233].


On June 21, 2016, the Fourth Circuit authorized McCotter to file a successive motion under section 2255 [D.E. 251]. On June 23, 2016, McCotter filed a third section 2255 motion [D.E. 252]. On June 22, 2017, the court dismissed the motion and denied a certificate of appealability [D.E. 264].

On June 26, 2017, McCotter filed a motion to supplement his section 2255 motion [D.E. 266]. On October 11, 2017, McCotter filed a second motion to supplement his section 2255 motion [D.E. 267]. On December 12, 2017, the government responded to McCotter's motions [D.E. 269]. On January 8, 2018, McCotter filed a motion for an extension of time to file a response [D.E. 270]. On March 5, 2018, McCotter responded [D.E. 271].

The court grants McCotter's motion for an extension of time [D.E. 270] and motions to supplement [D.E. 266, 267]. The court, however, rejects McCotter's arguments and reaffirms its order of June 22, 2017 [D.E. 264]. See Beckles v. United States, 137 S. Ct. 886, 892 (2017); United States v. Mack, 855 F.3d 581, 584–85 (4th Cir. 2017); United States v. Lee, 855 F.3d 244, 246–47 (4th Cir. 2017).

In sum, the court GRANTS McCotter's motion for an extension of time [D.E. 270], GRANTS McCotter's motions to supplement [D.E. 266, 267], REAFFIRMS its order of June 22, 2017 [D.E. 264], and DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 11 day of April 2018.



JAMES C. DEVER III
Chief United States District Judge